

**Minutes of the Judiciary and Law Enforcement Committee**  
**February 11, 2011**

Chair Jean Tortomasi called the meeting to order at 8:30 a.m.

**Committee Members Present:** County Board Supervisors Jean Tortomasi (Chair), Paul Decker, Steve Wimmer, Bill Zaborowski, Peter Wolff, Dave Falstad, Kathleen Cummings.

**Also Present:** Legislative Policy Advisor Sarah Spaeth, Legislative Associate Karen Phillips, Emergency Management Coordinator Bill Stolte, Sheriff Dan Trawicki, Inspector Steve Marks, Deputy Inspector Eric Severson, Jail Administrator Mike Giese, Business Manager Lyndsay Johnson, Captain Kevin McDonald, Budget Management Specialist Linda Witkowski.

**Approve Minutes of December 10, 2010**

MOTION: Zaborowski moved, second by Falstad, to approve the minutes of December 10, 2010.  
Motion carried 7-0.

**Correspondence**

- Articles pertaining to medical examiner/coroner issues provided by Dr. Lynda Biedrzycki, Waukesha County Medical Examiner
- We Energies informational fact sheet and booklets provided by Cummings
- Grant Application – UASI Project IMT Trailer in the amount of \$75,000

**Executive Committee Report of January 17, 2011**

Spaeth summarized the items discussed at the January 17<sup>th</sup> Executive Committee meeting, including the following: update on the Community Development Block Grant 2010 budget goals and objectives, approval of two ordinances, and the presentation of the *County Clerk Election System Audit Report*.

**Reports from Committee Member Liaisons**

Tortomasi reported on the progress of the courts technology upgrade project. Purchasing is currently working on negotiating a contract.

**Future Meeting Date**

- March 11, 2011

**Ordinance 165-O-092: Adopt Waukesha County All Hazards Mitigation Plan**

Stolte was present to discuss this resolution to adopt the All Hazards Mitigation Plan for Waukesha County and its participating municipalities, making them eligible for hazard mitigation project grants from the federal government. Stolte passed around a copy of the plan for inspection. Spaeth advised that a copy of the plan would be kept in the County Board Office if anyone would like to review it in further detail. She noted that County Board Chief of Staff Mark Mader thoroughly reviewed the plan and found no problems with it.

Stolte distributed a handout which provided an overview of the plan. He reviewed the background of the plan and its approval process. A number of hazards have been identified and related mitigation strategies developed. FEMA has approved the plan on the condition that the County and municipalities must adopt it.

Tortomasi asked what the top hazard concerns in the County are. Stolte stated that natural disasters are the top concerns, i.e. flooding, tornados and winter storms along with the common summer storms,

thunderstorms, and straight-line winds that can cause damage similar to tornadoes. In response to Decker's inquiry about hazardous materials, Stolte stated hazardous materials are covered in the plan as well; however, there is a separate plan, the *Comprehensive Emergency Response Plan*, which is more oriented to any hazardous material events in the County. Railroad hazard issues were also discussed. Cummings commented on the possible hazards related to aging gas pipelines.

MOTION: Decker moved, second by Cummings, to approve Ordinance 165-O-092. Motion carried 7-0.

### **Courthouse Security Update**

McDonald distributed and reviewed handouts outlining the 2010 campus incident information and a campus incident summary for years 2008-2010. There are still some flaws in the computer system relating to the statistical reports. It is an in-house created program and is still a work in progress. McDonald said there is currently no State or nationwide reporting system for courthouse incidents. Currently Judge Bohren is working with the State to implement a statewide reporting system to monitor courthouse incidents.

McDonald noted that over the last six months there has been a rapid drop in the number of fast track arrests coming in for court on Tuesdays. Wolff added that perhaps the number of people being taken into custody has gone down because now those offenders are given the immediate alternative of SCRAM. Tortomasi asked what the criteria is for a fast track. McDonald explained a fast track is for someone who was arrested for more than a first OWI offense. The offenders are brought to court within a week of arrest with the intent of enrolling them in a WCS program for monitoring and bail modifications/restrictions. McDonald stated he will continue to monitor the numbers, as he would discontinue the additional deputy on duty for fast tracks if the numbers continue to be low.

McDonald reported that last year approximately 206,162 people entered the courthouse, with a daily average of about 885, down from over 1000 a couple of years ago. A reason for the drop is due in part to the moving of the ADRC to the HHS building. An average of 8-11 people per day are turned back because of prohibitive items. McDonald advised that June will be a busy month in the courts with two high-risk trials scheduled. In the fall there will be a high profile homicide trial. The necessary additional security will result in significant expense for the Sheriff's Department and the Courts. McDonald discussed the ongoing training for the bailiffs and deputies, including prisoner escort and weapon retention training.

In response to Tortomasi's inquiry, McDonald discussed some recent off-campus security issues involving Waukesha County judges.

Tortomasi thanked McDonald for his informative report.

### **Ordinance 165-O-097: Accept Homeland Security Urban Area Initiative FY 2010 Program Funding And Modify The Sheriff's Department 2011 Budget To Appropriate Grant Revenues, Seized Fund Revenues, And Expenditures For An Armored Vehicle**

Trawicki, Severson and Johnson were present to discuss this ordinance which appropriates \$200,000 of Homeland Security Urban Area Initiative FY 2010 Program Funding and \$60,000 of seized funds to purchase an armored vehicle. Trawicki explained the new vehicle will replace the current BearCat model. The armored vehicle is used in tactical situations and shared with local municipalities and surrounding counties. Trawicki stated the vehicle is an important asset for the tactical unit and a good use of homeland security funding.

Trawicki said the current vehicle, acquired about 15 years ago, is an outdated, 1960's model and has outlived its usefulness. It is not capable of stopping most center-fire cartridges, the electrical system is bad, the

engine and carburetor are not very reliable, and parts are extremely hard to find. It is generally not a safe vehicle.

MOTION: Cummings moved, second by Wimmer, to approve Ordinance 165-O-097. .

Discussion continued regarding the vehicle specifications, usage, life expectancy and maintenance costs.

Motion carried 7-0

**Ordinance 165-O-098: Amend 2011 Sheriff's Department Budget For The Expenditure Of Seized Funds To Participating Agencies In February 2011**

Trawicki stated this ordinance is in regard to the annual distribution of seized funds received to participating Metro Drug Unit agency communities. The total distribution is \$18,489.

MOTION: Wolff moved, second by Cummings, to approve Ordinance 165-O-098.

Motion carried 7-0.

Trawicki gave the jail count for today: main jail-417, electronic monitoring-15, Huber-175, federal inmates-50. The jail population continues to stabilize.

**Prisoner Reimbursement Program**

Wolff explained that he introduced the idea of charging inmates for their stay in the jail after he had a client who was billed for his stay at the Sheboygan County Jail. Waukesha County does not charge for stays at the jail; however there is a charge for Huber inmates. He asked Spaeth for assistance in researching the issue to see whether it would be feasible for Waukesha County to begin charging inmates in the jail as well. The prisoner reimbursement issue was examined about 11 years ago by Sheriff and Collections staff and was determined not to be feasible at that time, primarily due to case law in the State.

Trawicki stated there was a clear Supreme Court decision that ruled what cannot be charged for, and among those things are cost of the building, personnel, etc. There is also an issue with the charge for municipal inmates. Trawicki stated that unless Corporation Council issues another opinion, there is case law that says it cannot be done and he would not support any changes unless there is case law to sustain it.

Wolff stated the next step would be to have Corporation Counsel Tom Farley reexamine the law and make sure nothing has changed, either through the legislature or case law, in regard to charging County and/or municipal inmates. He and Spaeth will work on a memo to Farley asking for follow up. Once it is known what can be collected, we would then look at the feasibility in regard to rates of collection and determine if it is doable to charge jail inmates without hiring significant staff. Wolff would like an update to the previous study to determine cost effectiveness.

Trawicki noted that currently there is a booking fee and medical co-pays in effect for jail inmates and reaffirmed they are not charged per day to be in the jail.

Spaeth confirmed that she has done research and has information on what other counties are charging jail inmates and rates of collection. Trawicki summarized the three issues involved: what are the fees charged, what is collected, and is it legal. If there is case law to support charging jail inmates, he would support doing so.

Wolff left at 9:58 a.m.

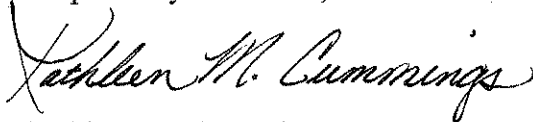
### **Legislative Update**

Spaeth said the State budget repair bill came out today and it includes changes to employee pension and healthcare contributions, collective bargaining, etc. The actual new budget bill will come out February 22, 2011. It will take some time to analyze the new budget and determine the affect it will have on counties.

Updates regarding legislation affecting the Sheriff include bills requiring drunk driving offenders to reimburse the County for costs associated with blood samples and a repeal of the mandate to collect racial data during traffic stops.

MOTION: Zaborowski moved, second by Wimmer, to adjourn at 10:05 a.m. Motion carried 6-0.

Respectfully submitted,

A handwritten signature in cursive script that reads "Kathleen M. Cummings". The signature is written in dark ink and is positioned above the printed name and title.

Kathleen M. Cummings  
Secretary